

Remarks:

Status of the Claims

Claims 1-4 and 6-11 were previously pending with claims 1 and 3 being independent. Claims 1 and 3 are presently amended, claims 10 and 11 are presently canceled, and new claims 12-14 are added by way of this amendment. Claims 1-4, 6-9 and 12-14 are currently pending with claims 1, 3, and 13 being independent.

In the Office Action ("OA") dated November 10, 2010, the Examiner responded to the Applicant's October 13, 2010 Appeal Brief, providing further arguments and reasons for rejecting the pending claims under 35 USC 103 in view of Wyatt and Barnes.

While the applicant does not concede that each and every element of the previously-pending claims are disclosed in the cited prior art, the claims herein are presently amended to further distinguish the claims over the prior art to Wyatt and Barnes. Additionally, new claims are added herein that further distinguish the claimed invention from the cited prior art.

Amendments to the Claims

Claim 1 is presently amended to recite the use of a mass spectrometer and a resulting spectrograph to remotely identify a substance with the remotely-controllable sensing units. Specifically, claim 1 now recites: "obtaining an image of a spectrograph of the substance with one or more remotely controllable sensing units comprising a mass spectrometer;" and "transmitting the image of the spectrograph of the substance from the one or more remotely controllable sensing units to a control unit configured to automatically identify the substance by comparison analysis." These amendments are supported on pg 14, ll. 19-21, and pg. 15, ll. 19-27 of the originally-filed application. The prior art does not teach or suggest the use of a spectrograph nor a spectrometer to identify a substance via comparison analysis.

Claim 3 is presently amended to recite a step of "airdropping one or more remotely

controllable sensing units into an area containing a potentially hazardous substance, wherein the remotely controllable sensing units are spherical with an off-set center of gravity, such that the remotely controllable sensing units roll upon hitting ground to properly position various inlet and outlet ports associated with a sample collection mechanism of the remote sensing units for sample collection." This amendment is supported on pg. 19, ll. 1-16 of the originally-filed application. The prior art does not teach or suggest this shape, configuration, nor functionality for a remote sensing unit. Specifically, the prior art does not teach or suggest the concept of a spherical remotely controllable sensing unit with an off-set center of gravity positioned to properly position inlet and outlet ports of the sensing unit.

New Claims

Claims 12 and 14 depend from independent claims 3 and 13, respectively, and each recite: "wherein the image of the substance is an image of a spectrograph of the substance, including data points obtained by a mass spectrometer, a gas chromatograph, or an ion mobility spectrometer of the remotely controllable sensing units." These claims are supported on pg. 6, ll. 16-21, pg 14, ll. 19-21, and pg. 15, ll. 19-27 of the originally-filed application. The prior art does not include a spectrograph, nor obtaining data points using mass spectrometer, a gas chromatograph, or an ion mobility spectrometer.

Claim 13 comprises much of the same subject matter of previously-pending claim 3, with the addition of the following step: "airdropping one or more remotely controllable sensing units into an area containing a potentially hazardous substance, wherein the remotely controllable sensing units are positioned within an inflatable balloon-like structure which is inflated prior to airdropping the remotely controllable sensing units, wherein the inflated balloon-like structure is spherical, with an off-set center of gravity, such that the remotely controllable sensing units roll upon hitting ground to properly position various inlet and outlet ports associated with a sample collection mechanism of the remotely controllable sensing units for sample collection." This additional step is supported on pg.

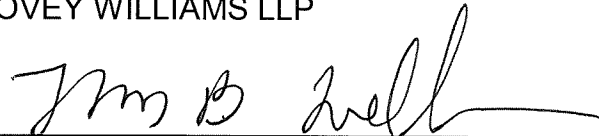
19, ll. 1-16 of the originally-filed application. The prior art does not disclose or suggest using an inflatable balloon-like structure during airdropping of a remotely controllable sensing unit, nor that such an inflatable balloon-like structure is configured to properly orient inlet and outlet ports of the remotely controllable sensing units for sample collection upon hitting the ground.

Conclusion

For at least the reasons set forth above, applicant respectfully submits that claims 1-4, 6-9, and 12-14 are in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,
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